



AGENDA
CITY OF HOLLY HILL, FLORIDA
BOARD OF PLANNING AND APPEALS MEETING
Monday, December 3, 2012
6:30 PM

CITY COMMISSION CHAMBERS
1065 Ridgewood Avenue, Holly Hill, Florida 32117-2898
City Clerk's Office: (386) 248-9441 **Fax: (386) 248-9448**

1. CALL TO ORDER

- A. Roll Call
- B. Invocation
- C. Pledge of Allegiance to the Flag

2. MINUTES

Minutes from the Board of Planning and Appeals Meeting – August 6, 2012 (*City Clerk*)

3. NEW BUSINESS

- A. CPA-2012-02 Capital Improvements Plan Annual Update
- B. Z-2012-05 Zoning Map Update
- C. Z-2012-06 Flood Plain Management Ordinance Update
- D. Z-2012-07 Tent Sales Regulations
- E. 2013 Planning Work Program Discussion

4. OLD BUSINESS - NONE

5. COMMUNICATIONS

6. ADJOURNMENT

Website Address – www.hollyhillfl.org (City Clerk)

NOTICE – If any person decides to appeal any decision made by said body with respect to any matter considered at such meeting, he/she will need a record of the proceedings and, for that purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City does not prepare or provide such a record.



For special accommodations, please notify the City Clerk's Office at least 72 hours in advance. (386) 248-9441



Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.

In accordance with the Americans with Disabilities Act (ADA), persons needing a special accommodation to participate in the Commission proceedings should contact the City Clerk's Office no later than three (3) days prior to the proceedings.

MINUTES
BOARD OF PLANNING AND APPEALS MEETING
CITY OF HOLLY HILL, FLORIDA

August 6, 2012

1. CALL TO ORDER

Roll Call

Michael Myer called the meeting to order in the Commission Chambers at City Hall, 1065 Ridgewood Avenue at approximately 6:30 p.m. Attending with Michael Myer were Board members Chris Kiley, Phillip Wiggins, and John Sterling.

Absent: Board member JD Mellette.

Also attending were the following staff members: City Attorney Scott Simpson, City Planner Thomas Harowski, and City Clerk Valerie Manning.

A. Invocation

Mr. Myer delivered the Invocation.

B. Pledge of Allegiance to the Flag

Mr. Kiley led the Pledge of Allegiance.

2. MINUTES

Minutes from the Board of Planning and Appeals Meeting – March 5, 2012

*Mr. Sterling moved **APPROVAL** for the Minutes, seconded by Mr. Kiley.*

The motion **CARRIED** 4-0 by roll call vote: Sterling – Yes, Kiley – Yes, Wiggins – Yes, and Myer – Yes

3. NEW BUSINESS

A. Z-2012-02 – Circular Driveways

City Planner Thomas Harowski gave an overview of the Land Development Regulations for spacing of access points to increase the opportunity for single-family homes to have circular driveways from the provided Staff Report.

Mr. Myer opened public participation. No one spoke.

MINUTES
BOARD OF PLANNING AND APPEALS
AUGUST 6, 2012

Mr. Wiggins moved APPROVAL for Z-2012-02, Circular Driveways, seconded by Mr. Sterling.

The motion **CARRIED** 4-0 by roll call vote: Wiggins – Yes, Sterling – Yes, Kiley – Yes, and Myer – Yes

B. Z-2012-03 - Measurements for Allowable Wall Signage

City Planner Thomas Harowski gave a staff report regarding amending Sections 110-8 and 110-9 to modify the method for the calculation of allowable sign area for wall signs to eliminate the exclusion of windows and doors from the allowable façade area and reducing the amount of signage as a percentage of façade area for wall signs from the provided Staff Report.

Mr. Myer opened public participation. No one spoke.

Mr. Wiggins moved APPROVAL for Z-2012-03, Measurements for Allowable Wall Signage, seconded by Mr. Kiley.

The motion **CARRIED** 4-0 by roll call vote: Wiggins – Yes, Kiley – Yes, Sterling – Yes, and Myer – Yes

4. OLD BUSINESS

None

5. OTHER – Staff Comments

City Planner Thomas Harowski informed the Board members that the next meeting scheduled is Labor Day. Therefore, if there are no pressing issues to bring forward, the next meeting will be in October. The Board agreed to that.

6. ADJOURNMENT

The meeting officially adjourned at approximately 7:00 p.m.

Valerie Manning
City Clerk



STAFF REPORT

City of Holly Hill
Community Development Department

Board of Planning and Appeals *Agenda Item*

DATE: December 3, 2012
SUBJECT: 5-Year Capital Improvements Element Update
APPLICANT: City of Holly Hill
NUMBER: CPA-2012-02
PLANNER: Thomas Harowski, AICP

INTRODUCTION:

This application is offered to meet the State of Florida requirement to annually update our five-year capital improvements program.

BACKGROUND:

Chapter 163 FS requires all jurisdictions to annually update the 5-year capital improvements program. This action no longer requires a formal comprehensive plan amendment, but is required to be adopted by local ordinance. Once the ordinance is adopted, staff proposes to submit the revised 5-year CIP to the Department of Economic Opportunity to confirm the City's compliance with the statutory requirement.

DISCUSSION:

With the adoption of the 2012-13 annual budget, we have a final capital plan for the current fiscal year. The five-year CIP that was adopted by the City last year has been modified based on projects that have been completed and the capital program approved by the City Commission for the current fiscal year. Completed projects have been deleted from the list. New projects have been added to the list, and projects once scheduled for the 2012-13 fiscal year but not included in the annual budget have been reprogrammed. A new fifth year has been added to the schedule. Copies of the current and proposed five-year CIP tables are enclosed for your consideration.

In addition to City projects, we are also required to review and identify school capital projects and any road projects done by other jurisdictions that may affect the City. No school projects are proposed for schools in or serving the City of Holly Hill. No road projects are proposed for County or State roads within the City. Volusia County is proposing widening of the "missing link" on LPGA

STAFF REPORT

City of Holly Hill Community Development Department

Boulevard between Derbyshire Road and Jimmy Ann Drive this fiscal year. Right-of-way and construction costs for the project are estimated at \$4.5 million.

RECOMMENDATION:

Recommend the City Commission approved the updated five year capital improvements program.

STAFF REPORT

City of Holly Hill

Community Development Department

Project #	Project Name	Funding Source	Schedule of Estimated Expenditures					5 Year Estimated Cost
			FY 12	FY 13	FY 14	FY 15	FY 16	
Waste Water Treatment								
	Treatment Plant Equipment Improvements	UT-WW	\$ 80,000	\$ 80,000	\$ 80,000	\$ 80,000	\$ 80,000	\$ 400,000
	Effluent Pump Replacement	UT-WW		\$ 75,000				\$ 75,000
	Waste Water Treatment Subtotal		\$ 80,000	\$ 155,000	\$ 80,000	\$ 80,000	\$ 80,000	\$ 475,000
Waste Water Collection								
	Lift Station Replacement - 11	CDBG	\$ 113,000					\$ 113,000
		2011 R&R BOND	\$ 127,000					\$ 127,000
		CRA	\$ 525,000					\$ 525,000
	Lift Station Replacement - 8, 28, 11A	CRA						\$ 2,596,000
	Sewer Lining	2011 R&R BOND	\$ 2,336,000	\$ 260,000				\$ 50,000
	Trailer Mounted Generator	BOND		\$ 50,000				\$ 450,000
	Lift Station Replacement - 16, 12, 13	BOND		\$ 450,000				\$ 100,000
	Repair/ Replace Sewer Services - CRA	CRA		\$ 100,000				\$ 80,000
	Lift Station Replacement	CDBG		\$ 80,000				\$ 70,000
		BOND		\$ 70,000				\$ 230,000
	Lift Station Replacement - 17	BOND			\$ 230,000			\$ 1,000,000
	Sewer Lining	BOND			\$ 600,000	\$ 200,000	\$ 200,000	\$ 300,000
	Lift Station Replacement - 9	BOND				\$ 300,000		\$ 300,000
	Lift Station Replacement 3, 5	BOND				\$ 300,000		\$ 300,000
	Lift Station Replacement 19, 20	BOND					\$ 300,000	\$ 300,000
	Lift Station 21, 18A	BOND					\$ 300,000	\$ 300,000
	Waste Water Collection Subtotal		\$ 3,101,000	\$ 1,010,000	\$ 830,000	\$ 800,000	\$ 800,000	\$ 6,541,000
Water Treatment								
	Well Maintenance and Equipment	UT - WA	\$ 55,000	\$ 60,000	\$ 80,000	\$ 85,000	\$ 91,000	\$ 371,000
	Treatment Plant Equipment Improvements	UT-WA	\$ 30,000	\$ 30,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 120,000
	Water Treatment Subtotal		\$ 85,000	\$ 90,000	\$ 100,000	\$ 105,000	\$ 111,000	\$ 491,000
Water Distribution								
	Distribution Improvements	2011 R&R BOND	\$ 577,000					\$ 577,000
	2010 Distribution Improvements	UT-WA	\$ 605,000					\$ 605,000
	Water Meter Replacement	2011 R&R BOND	\$ 600,000	\$ 600,000				\$ 1,200,000
	Distribution Improvements	BOND		\$ 400,000	\$ 1,000,000	\$ 1,000,000	\$ 800,000	\$ 3,200,000
	Water Distribution Subtotal		\$ 1,782,000	\$ 1,000,000	\$ -	\$ -	\$ -	\$ 5,582,000
Stormwater								
	Glenmeadows Drainage Improvements	CDBG	\$ 80,000					\$ 80,000
		STORMWATER	\$ 80,000					\$ 80,000
	State/Carswell Drainage Improvements	CRA	\$ 1,200,000	\$ 1,000,000	\$ 1,000,000			\$ 3,200,000
	Stormwater Subtotal		\$ 1,360,000	\$ 1,000,000	\$ 1,000,000	\$ -	\$ -	\$ 3,360,000
Streets								
	Sidewalk Improvements	CRA	\$ 600,000					\$ 600,000
	Street Light & Sign Improvements	CRA	\$ 1,000,000					\$ 1,000,000
	Roadway Resurfacing Program	Gas Tax	\$ 113,000	\$ 113,000	\$ 113,000	\$ 113,000	\$ 113,000	\$ 565,000
		GF			\$ 102,000	\$ 102,000	\$ 102,000	\$ 308,000
	FEC Track Crossing Upgrades	GF	\$ 60,000	\$ 60,000	\$ 60,000	\$ 60,000	\$ 60,000	\$ 300,000
	Riverside Drive Sidewalk	GF	\$ 206,000					\$ 206,000
	Street Subtotal		\$ 1,979,000	\$ 173,000	\$ 275,000	\$ 275,000	\$ 275,000	\$ 2,977,000
Facilities								
	The Market Phase II	CRA	\$ 300,000					\$ 300,000
	The Market Phase III	CRA	\$ 107,000					\$ 107,000
	The Market Phase IV	CRA	\$ 355,000					\$ 355,000
	Boys & Girls Club Fire Alarm System	Fire	\$ 16,000					\$ 16,000
	City Hall Fire Alarm Panel	Fire	\$ 5,000	\$ 13,750	\$ 13,750	\$ 13,750	\$ 13,750	\$ 60,000
	Facility Key "Knox Boxes"	Fire		\$ 5,000				\$ 5,000
	Facilities Subtotal		\$ 783,000	\$ 18,750	\$ 13,750	\$ 13,750	\$ 13,750	\$ 843,000

STAFF REPORT

City of Holly Hill

Community Development Department

Project #	Project Name	Funding Source	Schedule of Estimated Expenditures					5 Year Estimated Cost
			FY 13	FY 14	FY 15	FY 16	FY 17	
Waste Water Treatment								
	Treatment Plant Equipment Improvements	UT-WW	\$ 80,000	\$ 80,000	\$ 80,000	\$ 80,000	\$ 80,000	\$ 400,000
	Effluent Pump Replacement	UT-WW		\$ 75,000				\$ 75,000
Waste Water Treatment Subtotal			\$ 80,000	\$ 155,000	\$ 80,000	\$ 80,000	\$ 80,000	\$ 475,000
Waste Water Collection								
	Sewer Lining	2011 R&R BOND	\$ 150,000					\$ 150,000
	Trailer Mounted Generator	BOND		\$ 50,000				\$ 50,000
	Lift Station Replacement - 16, 12, 13	BOND		\$ 450,000				\$ 450,000
	Repair/ Replace Sewer Services - CRA	CRA		\$ 100,000				\$ 100,000
	Lift Station Replacement	CDBG		\$ 80,000				\$ 80,000
		BOND		\$ 70,000				\$ 70,000
	Lift Station Replacement - 17	BOND			\$ 230,000			\$ 230,000
	Sewer Lining	BOND			\$ 600,000	\$ 200,000	\$ 200,000	\$ 1,000,000
	Lift Station Replacement - 9	BOND				\$ 300,000		\$ 300,000
	Lift Station Replacement 3, 5	BOND				\$ 300,000		\$ 300,000
	Lift Station Replacement 19, 20	BOND					\$ 300,000	\$ 300,000
	Lift Station 21, 18A	BOND					\$ 300,000	\$ 300,000
Waste Water Collection Subtotal			\$ 150,000	\$ 750,000	\$ 830,000	\$ 800,000	\$ 800,000	\$ 3,330,000
Water Treatment								
	Well Maintenance and Equipment	UT - WA	\$ 39,000	\$ 60,000	\$ 80,000	\$ 85,000	\$ 91,000	\$ 355,000
	Treatment Plant Equipment Improvements	UT-WA	\$ 136,000	\$ 30,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 226,000
Water Treatment Subtotal			\$ 175,000	\$ 90,000	\$ 100,000	\$ 105,000	\$ 111,000	\$ 581,000
Water Distribution								
	Distribution Improvements	2011 R&R BOND		\$ 577,000				\$ 577,000
	2010 Distribution Improvements	UT-WA		\$ 605,000				\$ 605,000
	Water Meter Replacement	2011 R&R BOND	\$ 1,667,000					\$ 1,667,000
	Distribution Improvements	BOND	\$ 125,000	\$ 400,000	\$ 1,000,000	\$ 1,000,000	\$ 800,000	\$ 3,325,000
Water Distribution Subtotal			\$ 1,792,000	\$ 1,582,000	\$ -	\$ -	\$ -	\$ 6,174,000
Stormwater								
	Mitigation and Land Acquisition	CDBG	\$ 400,000					\$ 400,000
	State/Carswell Drainage Improvements	CRA		\$ 1,200,000	\$ 1,000,000	\$ 1,000,000		\$ 3,200,000
Stormwater Subtotal			\$ 400,000	\$ 1,200,000	\$ 1,000,000	\$ 1,000,000	\$ -	\$ 3,600,000
Streets								
	Sidewalk Improvements	CRA						\$ -
	Street Light & Sign Improvements	CRA	\$ 1,000,000					\$ 1,000,000
	Roadway Resurfacing Program	Gas Tax	\$ 1,105,100	\$ 113,000	\$ 113,000	\$ 113,000	\$ 113,000	\$ 1,557,100
	FEC Track Crossing Upgrades	GF	\$ 60,000	\$ 60,000	\$ 60,000	\$ 60,000	\$ 60,000	\$ 300,000
		GF						\$ -
Street Subtotal			\$ 2,165,100	\$ 173,000	\$ 173,000	\$ 173,000	\$ 173,000	\$ 2,857,100
Facilities								
	The Market Phase V	CRA	\$ 130,000					\$ 130,000
	Property Acquisition	CRA	\$ 500,000					\$ 500,000
	140 Riverside Dr. Improvements	CRA	\$ 200,000					\$ 200,000
	1200 Center Avenue Improvements	CRA	\$ 300,000					\$ 300,000
	Carryover Projects	CRA	\$ 153,500	\$ 13,750	\$ 13,750	\$ 13,750	\$ 13,750	\$ 208,500
	Ross Point Park Gazebo	CRA	\$ 50,000					\$ 50,000
	Sunrise Park Playground	CRA	\$ 100,000					\$ 100,000
Facilities Subtotal			\$ 1,433,500	\$ 13,750	\$ 13,750	\$ 13,750	\$ 13,750	\$ 1,488,500

Capital Five-Year Work Program

	BUDGET 2012-2013	BUDGET 2013-2014	BUDGET 2014-2015	BUDGET 2015-2016	BUDGET 2016-2017
New Construction					
NON WITHOUT ADDITIONAL REVENUE	\$ -	\$ -	\$ -	\$ -	\$ -
Total New Construction	-	-	-	-	-
Major Projects at Existing Schools & Facilities					
Portables - Lease	450,000	200,000	200,000	200,000	200,000
Portables - Moves & Compliance	350,000	250,000	250,000	250,000	250,000
Various Schools - Minor Projects	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Various Facilities - Facilities Review Projects	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000
Total Major Prjs at Existing Schools & Facilities	4,300,000	3,950,000	3,950,000	3,950,000	3,950,000
Facilities Management					
Facilities Management - Various Projects	1,250,000	1,000,000	1,000,000	1,000,000	1,000,000
Technology					
Network, EDP & Communications Equipment	2,360,000	2,000,000	2,000,000	2,000,000	2,000,000
System Wide Equipment & Vehicles					
Various Schools & Departments Furn. & Equip.	300,000	300,000	300,000	300,000	300,000
Buses					
Transportation Dept - Bus Replacement	-	4,116,030	3,125,000	3,125,000	3,125,000
Transfers					
Transfers - To General Fund	15,507,250	13,007,250	10,507,250	8,007,250	5,507,250
Transfers - To Debt Service	51,328,734	51,267,082	51,273,646	51,270,871	30,669,295
Total Transfers	66,835,984	64,274,332	61,780,896	59,278,121	36,176,545
TOTALS	\$ 75,045,984	\$ 75,640,362	\$ 72,155,896	\$ 69,653,121	\$ 46,551,545





STAFF REPORT

City of Holly Hill
Community Development Department

Board of Planning and Appeals *Agenda Item*

DATE: November 12, 2012
SUBJECT: Updated Zoning Map
APPLICANT: City of Holly Hill
NUMBER: Z-2012-05
PLANNER: Thomas Harowski, AICP

INTRODUCTION:

This application is an administrative application generated by the City of Holly Hill to update and clarify the current official zoning map. Over the years the official zoning map has not been kept current and several other problems have emerged that suggest a complete update of the map is desirable. In addition several changes are being made stylistically that make the official map easier to read.

BACKGROUND:

When I began working with the City in October 2010, I found the official zoning map had not been kept current, and there were a number of other problems with the official map that suggested a full update to the map would be beneficial. These problems include:

- The current map uses a presentation style that is difficult to read. The current double-line format gives the map a cluttered look and can give rise to some interpretive issues.
- The City has a number of parcels that were annexed as far back as the early 1990's but have never been assigned a zoning classification under the City land development regulations. While technically these properties still have County zoning, we have very incomplete records about what the County zoning was at the time of annexation, and the County ordinance has changed substantially since many of these properties were annexed.
- In a number of locations, the current zoning map is unclear about the zoning on parcels as a result of actions taken by the Commission that were not accurately or fully replicated on the official zoning map.
- Some errors in the base map were identified regarding the current city limits. In two locations properties that remain in the unincorporated

STAFF REPORT

City of Holly Hill Community Development Department

County were shown as being in the City, and in another location annexed property was shown as remaining in the unincorporated area.

A revised zoning map has been prepared, and a copy is attached for your review. There are several locations on the map where the zoning is identified as unknown. We will need to address these areas to confirm zoning and provide a proper zoning on the official map. Correction of these errors and other items of concern will allow us to post an updated official zoning map on the City web site as a convenience to the real estate community and citizens.

DISCUSSION:

In addition to approving the updated map, we will need to address the unknown parcels. Staff is proposing that the BOPA and staff agree on a proposed zoning for the parcels in question. Once we have a proposed zoning, staff will contact the property owners and seek their concurrence with the proposed zoning. When we have the property owner's agreement in hand, we can proceed with an ordinance to adopt the revised zoning map. The suggested zoning and parcels are shown on the following table. For the most part the recommendations are straight forward with the recommended zoning keyed to the future land use map designation and the lot size of the individual parcels.

- Map ID 1 groups three lots on the north side of Parque. While the area is close to Ridgewood, the surrounding uses are residential. The future land use is low density residential and the lots will all conform to the recommended R-3 zoning.
- Map ID 2 is between Parque and the railroad. The future land use plan designates the area as wholesale, commercial and industrial supporting the recommended I-1 zoning.
- Map ID 3 and 4 are single-family homes adjacent to Riviera Golf Course. The proposed R-2 zoning is consistent with other zoning in the area and all of the lots conform to minimum in the zoning district.
- Map ID 5 is a commercial complex on Nova Road. The area was zoned I-1 under the Volusia County code, but CC-1 is recommended as better fitting the current range of uses and the General Commercial land use.
- Map ID 6 and 7 are single family homes that were likely County R-5. The future land use is low density residential and the recommended R-3 zoning is appropriate for the lot sizes and single family use.

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City of Holly Hill Community Development Department

- Map ID 8 is a single family residence on Garden Avenue. This is an area transitioning from residential to commercial-industrial use as reflected by the wholesale commercial and industrial land use. The recommended zoning is R-3 to reflect the current use of the property with the expectation that over time the zoning will change to CC-1.
- Map ID 9 is a commercial complex on Nova Road. The property was annexed in 1997 but not given city zoning. CC-1 is proposed under the General Commercial land use as the CC-1 will support automotive uses where the other zoning option of B-4 will not. The future land use has both general commercial and low density residential for the parcel, but there is no residential use associated with the site.
- Map ID 10 is on the southwest corner of 15th and Nova. There is a vacant commercial building and a former single-family house that has previously housed a commercial use on these lots. The recommended zoning is B-4 which is more appropriate to the type of buildings that are on the site and the zoning is consistent with the Dollar General store to the north.
- Map ID 11 is the Central Hydraulics site which includes two lots. The general commercial land use and location on Nova Road supports the recommended CC-1 zoning.
- Map ID 12 is Halifax Park. It does not appear the park is included in the MPUD for Marina Grande. The recommended zoning is C-F Conservation and Flood Plain. Parks are permitted in this zoning

RECOMMENDATION:

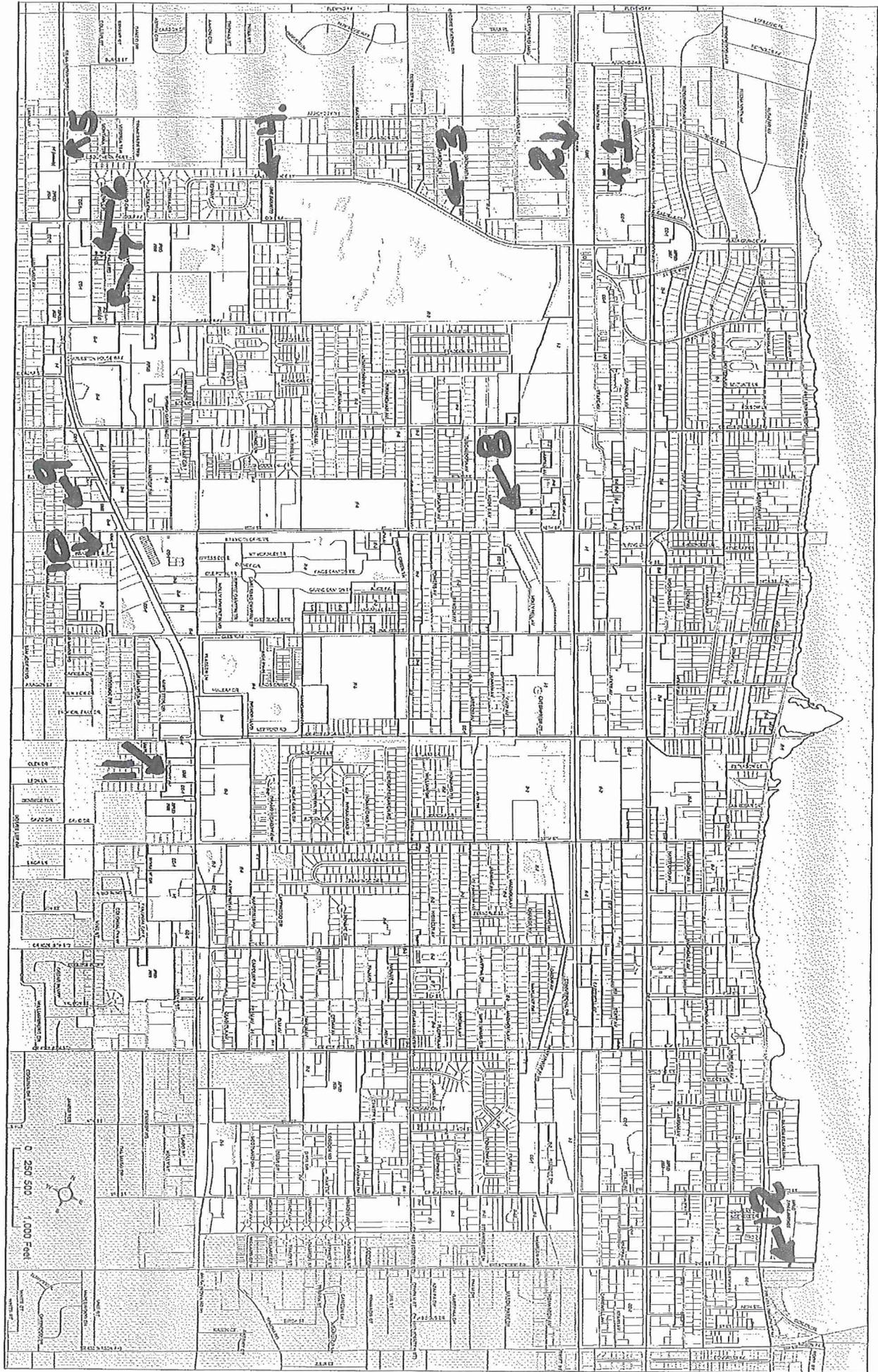
Recommend the City Commission adopt the updated zoning map with the clarifications and zoning assignments discussed above. Notice will be provided to the property owners included in the groupings listed above to seek their concurrence in the zoning recommendations.

STAFF REPORT

City of Holly Hill Community Development Department

CITY OF HOLLY OFFICIAL ZONING MAP UPDATE PROPOSED AMENDMENTS

Map ID	Parcel Number	Use	Comp Plan	Zone	Comment
1	424221000020	Vacant	LDR	R-3	Lot is 68 x 150
	424221000030	SFR	LDR	R-3	Lot is 68 x 150
	424221000040	Vacant	LDR	R-3	Lot is 68 x 150
2	424204070290	Vacant	WCI	I-1	
3	424225000010	SFR	LDR	R-2	Adjacent zone is R-2
4	42420T000010	SFR	LDR	R-2	Lot is 83 x 140
	42420T000020	SFR	LDR	R-2	Lot is 75 x 140
	42420T000030	SFR	LDR	R-2	Lot is 75 x 140
	42420T000040	SFR	LDR	R-2	Lot is 75 x 140
	42420T000050	SFR	LDR	R-2	Lot is 75 x 140
	42420T000060	SFR	LDR	R-2	Lot is 75 x 140
5	424204200142	Roofer, Bar	GC	CC-1	Was County I-1
	424204200143	Motel, Auto Sales	GC	CC-1	Was County I-1
6	424235010120	SFR	LDR	R-3	Lot is 60 x 160, Was County R-5
7	424235010040	SFR	LDR	R-3	Lot is 60 x 160, Was County R-5
	424235010020	SFR	LDR	R-3	Lot is 120 x 160
	424235010010	SFR	LDR	R-3	Lot is 70 x 160
	424235020011	SFR	LDR	R-3	Lot is 100 x 130
8	424237040210	SFR	WCI	R-3	Lot is 100 x 305
9	424231010140	Commercial	GC	CC-1	
10	424230010100	Vacant Commercial	GC	B-4	Converted house
	424230010121		GC	B-4	With above parcel
	424230010090	SFR	GC	B-4	
11	523702000420	Central Hydraulics	GC	CC-1	
	523702000410		GC	CC-1	With above parcel
12	533734060015	Halifax Park	MU-II	C-F	





STAFF REPORT

City of Holly Hill
Community Development Department

Board of Planning and Appeals *Agenda Item*

DATE: November 15, 2012
SUBJECT: Revised Flood Plain Management Ordinance
APPLICANT: City of Holly Hill
NUMBER: Z-2012-06 Flood Plain Management
PLANNER: Thomas Harowski, AICP, City Planner

INTRODUCTION:

This case addresses the replacement of our current flood plain management regulations with an updated code.

BACKGROUND:

The Federal government is in the process of adopting new flood hazard maps for Volusia County and we need to adopt those maps locally. In addition the state legislature passed revisions to the Florida building codes last year that created some conflicts with federal flood plain regulations. Local governments now have to make amendments to local flood management issues to adjust for these conflicts. The Department of Emergency Management has developed a model ordinance for local governments to use in updating the local codes.

If a local government does not update the codes, the community faces the potential for exclusion from the Federal flood insurance program. If this occurs, flood insurance will be harder to get and substantially more expensive.

DISCUSSION:

The City really does not have much of choice regarding adoption of the proposed amendments. Attached is a draft ordinance based on the DEM model code that is scheduled for presentation to the City Commission at the December 11, 2012 regular meeting. This ordinance will result in the removal and replacement of Chapter 94 Article II Flood Hazard Mitigation section of the land development code along with the removal and replacement of the applicable definitions.

RECOMMENDATION:

STAFF REPORT

City of Holly Hill Community Development Department

Recommend the City Commission adopt the updated flood plain management provisions.

Note: This REVISED version includes inland flood hazard areas ONLY (zones shown on FIRMs that start with the "A", including Zones A, AO, A1-A30, AE, A99, and AH). It does not include any "higher standards." Contact Technical Assistance for assistance with higher standards.

Please download the Instructions and Notes that go with this REVISED version (April 12, 2012).

Please make any and all changes using <track changes> to facilitate DEM's review. See the Instructions and Notes for contact email and phone for Technical Support.

ORDINANCE NO. ~~XX-XX~~2924

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AN ORDINANCE BY THE ~~{community's governing body}~~City of Holly Hill, Florida AMENDING THE ~~{name of community}~~City of Holly Hill CODE OF ORDINANCES TO REPEAL ~~{insert appropriate chapter/section numbers}~~Chapter 94 Article II Flood Hazard Mitigation; TO ADOPT A NEW ~~{insert appropriate chapter/section numbers}~~Chapter 94 Article II Flood Hazard Mitigation; TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; TO ADOPT LOCAL ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR APPLICABILITY; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in ~~{Chapter 125 – County Government or Chapter 166 – Municipalities}~~Chapter 166 Municipalities, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of ~~{name of community}~~the City of Holly Hill, Florida and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

WHEREAS, the ~~{name of community}~~City of Holly Hill was accepted for participation in the National Flood Insurance Program on ~~{date of regular program entry}~~ and the ~~{community's governing body}~~City Commission desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

WHEREAS, Chapter 553, Florida Statutes, was adopted by the Florida Legislature to provide a mechanism for the uniform adoption, updating, amendment, interpretation and enforcement of a state building code, called the *Florida Building Code*; and

WHEREAS, section 553.73(5), Florida Statutes, allows adoption of local administrative amendments to the *Florida Building Code* to implement the National Flood Insurance Program; and

WHEREAS, the ~~{community's governing body}~~City Commission has determined that it is in the public interest to adopt the proposed floodplain management regulations that are coordinated with the *Florida Building Code*.

NOW, THEREFORE, BE IT ORDAINED by the ~~{community's governing body}~~City Commission of ~~{name of community}~~Holly Hill, Florida that the following floodplain management regulations, and the following local administrative amendments to the 2010 *Florida Building Code*, are hereby adopted.

SECTION 1. RECITALS.

The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

SECTION 2. This ordinance specifically repeals and replaces the following ordinance(s) and regulation(s): ~~{insert citation to existing flood damage reduction regulations that will be replaced by these regulations and citation(s) to other ordinances that have flood provisions, such as subdivision regulations that also will be replaced by these regulations}~~City Code of Ordinances Subpart B Land Development Regulations Chapter 94 Floods, Article II Flood Hazard Mitigation and Subpart B Land Development Regulations Chapter 78 General Provisions Section 78-14 Definitions to replace conflicting definitions and add new definitions.

CHAPTER 1 ADMINISTRATION

SECTION 101 GENERAL

101.1 Title. These regulations shall be known as the *Floodplain Management Ordinance* of ~~{name of community}~~the City of Holly Hill, Florida, hereinafter referred to as "this ordinance."

101.2 Scope. The provisions of this ordinance shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the *Florida Building Code*; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

101.3 Intent. The purposes of this ordinance and the flood load and flood resistant construction requirements of the *Florida Building Code* are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

1. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
2. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or

erosion potential;

4. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
5. Minimize damage to public and private facilities and utilities;
6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
8. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

101.4 Coordination with the Florida Building Code. This ordinance is intended to be administered and enforced in conjunction with the *Florida Building Code*. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the *Florida Building Code*.

101.5 Warning. The degree of flood protection required by this ordinance and the *Florida Building Code*, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this ordinance.

101.6 Disclaimer of Liability. This ordinance shall not create liability on the part of **{governing body}the City of {name-of-community}Holly Hill** or by any officer or employee thereof for any flood damage that results from reliance on this ordinance or any administrative decision lawfully made thereunder.

SECTION 102 APPLICABILITY

102.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

102.2 Areas to which this ordinance applies. This ordinance shall apply to all flood hazard areas within the **{name-of-community}City of Holly Hill**, as established in Section 102.3 of this ordinance.

102.3 Basis for establishing flood hazard areas. The Flood Insurance Study for **{insert-title of FIS-}Volusia County, Florida and Incorporated Areas** dated **{insert-date-of FIS}September 29, 2011**, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood

hazard areas are on file at the ~~{Office/agency and address}~~Holly Hill City Hall, 1065 Ridgewood Avenue.

102.3.1 Submission of additional data to establish flood hazard areas. To establish flood hazard areas and base flood elevations, pursuant to Section 105 of this ordinance the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

1. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this ordinance and, as applicable, the requirements of the *Florida Building Code*.
2. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.

102.4 Other laws. The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.

102.5 Abrogation and greater restrictions. This ordinance supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the *Florida Building Code*. In the event of a conflict between this ordinance and any other ordinance, the more restrictive shall govern. This ordinance shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this ordinance.

102.6 Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION 103 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

103.1 Designation. The ~~{insert position title}~~development code administrator is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.

103.2 General. The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this ordinance. The Floodplain Administrator shall have the authority to render interpretations of this ordinance consistent with the intent and purpose of this ordinance and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this ordinance without the granting of a variance pursuant to Section 107 of this ordinance.

103.3 Applications and permits. The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:

1. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
2. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this ordinance;
3. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
4. Provide available flood elevation and flood hazard information;
5. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
6. Review applications to determine whether proposed development will be reasonably safe from flooding;
7. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*, when compliance with this ordinance is demonstrated, or disapprove the same in the event of noncompliance; and
8. Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this ordinance.

103.4 Determinations for existing buildings and structures. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the *Florida Building Code* and this ordinance is required.

103.5 Modifications of the strict application of the requirements of the *Florida Building Code*. The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to Section 107 of this ordinance.

103.6 Notices and orders. The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this ordinance.

103.7 Inspections. The Floodplain Administrator shall make the required inspections as specified in Section 106 of this ordinance for development that is not subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

103.8 Other duties of the Floodplain Administrator. The Floodplain Administrator shall have other duties, including but not limited to:

1. Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 103.4 of this ordinance;
2. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
3. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;
4. Review required design certifications and documentation of elevations specified by this ordinance and the *Florida Building Code* and this ordinance to determine that such certifications and documentations are complete; and
5. Notify the Federal Emergency Management Agency when the corporate boundaries of ~~{name of community}~~**the City of Holly Hill** are modified.

103.9 Floodplain management records. Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this ordinance and the flood resistant construction requirements of the *Florida Building Code*, including Flood Insurance Rate Maps; Letters of Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the *Florida Building Code* and this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance and the flood resistant construction requirements of the *Florida Building Code*. These records shall be available for public inspection at ~~{location and instructions to request access, if applicable}~~**Holly Hill City Hall**.

SECTION 104 PERMITS

104.1 Permits required. Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this ordinance, including buildings, structures and facilities exempt from the *Florida Building Code*, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this ordinance and all other applicable codes and regulations has been satisfied.

104.2 Floodplain development permits or approvals. Floodplain development permits or approvals shall be issued pursuant to this ordinance for any development activities not subject to the requirements of the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

104.2.1 Buildings, structures and facilities exempt from the *Florida Building Code*. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the *Florida Building Code* and any further exemptions provided by law, which are subject to the requirements of this ordinance:

1. Railroads and ancillary facilities associated with the railroad.
2. Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
3. Temporary buildings or sheds used exclusively for construction purposes.
4. Mobile or modular structures used as temporary offices.
5. Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
7. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
8. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
9. Structures identified in section 553.73(10)(k), F.S., are not exempt from the *Florida Building Code* if such structures are located in flood hazard areas established on Flood Insurance Rate Maps

104.3 Application for a permit or approval. To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:

1. Identify and describe the development to be covered by the permit or approval.
2. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively

locate the site.

3. Indicate the use and occupancy for which the proposed development is intended.
4. Be accompanied by a site plan or construction documents as specified in Section 105 of this ordinance.
5. State the valuation of the proposed work.
6. Be signed by the applicant or the applicant's authorized agent.
7. Give such other data and information as required by the Floodplain Administrator.

104.4 Validity of permit or approval. The issuance of a floodplain development permit or approval pursuant to this ordinance shall not be construed to be a permit for, or approval of, any violation of this ordinance, the *Florida Building Codes*, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

104.5 Expiration. A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

104.6 Suspension or revocation. The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this ordinance or any other ordinance, regulation or requirement of this community.

104.7 Other permits required. Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

1. The ~~{insert name}~~**St. Johns River** Water Management District; section 373.036, F.S.
2. Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.
3. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.
4. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.

SECTION 105 SITE PLANS AND CONSTRUCTION DOCUMENTS

105.1 Information for development in flood hazard areas. The site plan or construction documents for any development subject to the requirements of this ordinance shall be drawn to scale and shall include, as applicable to the proposed development:

1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood

elevation(s), and ground elevations if necessary for review of the proposed development.

2. Where flood hazard areas, base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 105.2 of this ordinance.
3. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 105.2(1) or (2) of this ordinance.
4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures.
5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
6. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
7. Existing and proposed alignment of any proposed alteration of a watercourse.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this ordinance but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this ordinance.

105.2 Information in flood hazard areas without base flood elevations (approximate Zone A). Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:

1. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source; or
2. Where base flood elevation and floodway data are not available from another source, where the available the data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
 - a. Require the applicant to develop base flood elevation data prepared in accordance with currently accepted engineering practices; or
 - b. Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.
3. Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida

licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

105.3 Additional analyses and certifications. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

1. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 105.4 of this ordinance and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
2. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, a floodway encroachment analysis which demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
3. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section 105.4 of this ordinance.

105.4 Submission of additional data. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

SECTION 106 INSPECTIONS

106.1 General. Development for which a floodplain development permit or approval is required shall be subject to inspection.

106.1.1 Development other than buildings and structures. The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

106.1.2 Buildings, structures and facilities exempt from the *Florida Building Code*. The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the *Florida Building Code* to determine compliance with the requirements of this ordinance and the

conditions of issued floodplain development permits or approvals.

106.1.2.1 Buildings, structures and facilities exempt from the *Florida Building Code*, lowest floor inspection. Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the *Florida Building Code*, or the owner's authorized agent, shall submit to the Floodplain Administrator:

1. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 105.2(3) of this ordinance, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

106.1.2.2 Buildings, structures and facilities exempt from the *Florida Building Code*, final inspection. As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 106.1.2.1 of this ordinance.

106.1.3 Manufactured homes. The ~~{Floodplain Administrator or Building Official}~~Building Official shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this ordinance and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the ~~{Floodplain Administrator or Building Official}~~Building Official.

SECTION 107 VARIANCES AND APPEALS

107.1 General. The ~~{body-designated-to-hear-variances}~~City Commission shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to section 553.73(5), F.S., the ~~{body-designated-to-hear-variances}~~Board of Planning and Appeals shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the *Florida Building Code*.

107.2 Appeals. The ~~{body-designated-to-hear-appeals}~~Board of Planning and Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this ordinance. Any person aggrieved by the decision of ~~{body-designated-to-hear-variances}~~Board of Planning and Appeals may appeal such decision to the Circuit Court, as provided by Florida Statutes.

107.3 Limitations on authority to grant variances. The ~~{body-designated-to-hear-variances}~~City Commission shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 107.6 of this ordinance, the conditions of issuance set forth in Section 107.7 of this ordinance, and the comments and recommendations of the Floodplain Administrator and the Building Official. The ~~{body-designated-to-hear-variances}~~City Commission has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ordinance.

107.3.1 Restrictions in floodways. A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 105.3 of this ordinance.

107.4 Historic buildings. A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the *Florida Building Code, Existing Building*, Chapter 11 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the *Florida Building Code*.

107.5 Functionally dependent uses. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this ordinance, provided the variance meets the requirements of Section 107.3.1, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

107.6 Considerations for issuance of variances. In reviewing requests for variances, the ~~{body designated to hear variances}~~ **City Commission** shall consider all technical evaluations, all relevant factors, all other applicable provisions of the *Florida Building Code*, this ordinance, and the following:

1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
4. The importance of the services provided by the proposed development to the community;
5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
6. The compatibility of the proposed development with existing and anticipated development;
7. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
8. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

107.7 Conditions for issuance of variances. Variances shall be issued only upon:

1. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this ordinance or the required elevation standards;
2. Determination by the ~~{body designated to hear variances}~~ **City Commission** that:
 - a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
 - c. The variance is the minimum necessary, considering the flood hazard, to afford relief;
3. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and
4. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

SECTION 108 VIOLATIONS

108.1 Violations. Any development that is not within the scope of the *Florida Building Code* but that is regulated by this ordinance that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this ordinance, shall be deemed a violation of this ordinance. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this ordinance or the *Florida Building Code* is presumed to be a violation until such time as that documentation is provided.

108.2 Authority. For development that is not within the scope of the *Florida Building Code* but that is regulated by this ordinance and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

108.3 Unlawful continuance. Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law ~~{or insert specific reference to state or local law}~~.

CHAPTER 2 DEFINITIONS

SECTION 201 GENERAL

201.1 Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this ordinance, have the meanings shown in this section.

201.2 Terms defined in the *Florida Building Code*. Where terms are not defined in this ordinance and are defined in the *Florida Building Code*, such terms shall have the meanings ascribed to them in that code.

201.3 Terms not defined. Where terms are not defined in this ordinance or the *Florida Building Code*, such terms shall have ordinarily accepted meanings such as the context implies.

SECTION 202 DEFINITIONS

Alteration of a watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal. A request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance.

ASCE 24. A standard titled *Flood Resistant Design and Construction* that is referenced by the *Florida Building Code*. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood. A flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 1612.2.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

Base flood elevation. The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 1612.2.]

Basement. The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 1612.2.]

Design flood. The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

1. Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
2. Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing

grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet. [Also defined in FBC, B, Section 1612.2.]

Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment. The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and existing structure. Any buildings and structures for which the "start of construction" commenced before ~~{date the community's first floodplain management ordinance was adopted}~~September 7, 1973. [Also defined in FBC, B, Section 1612.2.]

Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before ~~{date the community's first floodplain management ordinance was adopted}~~September 7, 1973.

Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency (FEMA). The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 1612.2.]

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 1612.2.]

Flood hazard area. The greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

1. The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
2. The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood Insurance Rate Map (FIRM). The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk

premium zones applicable to the community. [Also defined in FBC, B, Section 1612.2.]

Flood Insurance Study (FIS). The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 1612.2.]

Floodplain Administrator. The office or position designated and charged with the administration and enforcement of this ordinance (may be referred to as the Floodplain Manager).

Floodplain development permit or approval. An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this ordinance.

Floodway. The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. [Also defined in FBC, B, Section 1612.2.]

Floodway encroachment analysis. An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Florida Building Code. The family of codes adopted by the Florida Building Commission, including: *Florida Building Code, Building*; *Florida Building Code, Residential*; *Florida Building Code, Existing Building*; *Florida Building Code, Mechanical*; *Florida Building Code, Plumbing*; *Florida Building Code, Fuel Gas*.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the *Florida Building Code, Existing Building*, Chapter 11 Historic Buildings.

Letter of Map Change (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
2. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
3. Available with special features enabling off-street or off-highway operation and use.

Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the *Florida Building Code* or ASCE 24. [Also defined in FBC, B, Section 1612.2.]

Manufactured home. A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value. The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

New construction. For the purposes of administration of this ordinance and the flood resistant construction requirements of the *Florida Building Code*, structures for which the "start of construction" commenced on or after ~~{date the community's first floodplain management ordinance was adopted}~~ **September 7, 1973** and includes any subsequent improvements to

such structures.

New manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after ~~{date the community's first floodplain management ordinance was adopted}~~ **September 7, 1973.**

Park trailer. A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in 15C-1.0101, F.A.C.]

Recreational vehicle. A vehicle, including a park trailer, which is: [Defined in section 320.01(b), F.S.)

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special flood hazard area. An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 1612.2.]

Start of construction. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 1612.2.]

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 1612.2.]

Substantial improvement. Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial

improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 1612.2.]

1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

Variance. A grant of relief from the requirements of this ordinance, or the flood resistant construction requirements of the *Florida Building Code*, which permits construction in a manner that would not otherwise be permitted by this ordinance or the *Florida Building Code*.

Watercourse. A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

CHAPTER 3 FLOOD RESISTANT DEVELOPMENT

SECTION 301 BUILDINGS AND STRUCTURES

301.1 Design and construction of buildings, structures and facilities exempt from the *Florida Building Code*. Pursuant to Section 104.2.1 of this ordinance, buildings, structures, and facilities that are exempt from the *Florida Building Code*, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the *Florida Building Code* that are not walled and roofed buildings shall comply with the requirements of Section 307 of this ordinance.

SECTION 302 SUBDIVISIONS

302.1 Minimum requirements. Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

302.2 Subdivision plats. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

1. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats and final plats;
2. Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 105.2(1) or (2) of this ordinance; and

3. Compliance with the site improvement and utilities requirements of Section 303 of this ordinance.

SECTION 303 SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS

303.1 Minimum requirements. All proposed new development shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

303.2 Sanitary sewage facilities. All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

303.3 Water supply facilities. All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

303.4 Limitations on sites in regulatory floodways. No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 105.3(1) of this ordinance demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

303.5 Limitations on placement of fill. Subject to the limitations of this ordinance, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the *Florida Building Code*.

SECTION 304 MANUFACTURED HOMES

304.1 General. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance.

304.2 Foundations. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that are designed in accordance with the foundation requirements of the *Florida Building Code Residential* Section R322.2 and this ordinance.

304.3 Anchoring. All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

304.4 Elevation. Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 304.4.1 or 304.4.2 of this ordinance, as applicable.

304.4.1 General elevation requirement. Unless subject to the requirements of Section 304.4.2 of this ordinance, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A).

304.4.2 Elevation requirement for certain existing manufactured home parks and subdivisions. Manufactured homes that are not subject to Section 304.4.1 of this ordinance, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

1. Bottom of the frame of the manufactured home is at or above the elevation required in the *Florida Building Code, Residential* Section R322.2 (Zone A); or
2. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.

304.5 Enclosures. Fully enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code, Residential* Section R322 for such enclosed areas.

304.6 Utility equipment. Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the *Florida Building Code, Residential* Section R322.

SECTION 305 RECREATIONAL VEHICLES AND PARK TRAILERS

305.1 Temporary placement. Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

1. Be on the site for fewer than 180 consecutive days; or
2. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

305.2 Permanent placement. Recreational vehicles and park trailers that do not meet the limitations in Section 305.1 of this ordinance for temporary placement shall meet the

requirements of Section 304 of this ordinance for manufactured homes.

SECTION 306 TANKS

306.1 Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

306.2 Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Section 306.3 of this ordinance shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

306.3 Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

306.4 Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:

1. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

SECTION 307 OTHER DEVELOPMENT

307.1 General requirements for other development. All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the *Florida Building Code*, shall:

1. Be located and constructed to minimize flood damage;
2. Meet the limitations of Section 303.4 of this ordinance if located in a regulated floodway;
3. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
4. Be constructed of flood damage-resistant materials; and
5. Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

307.2 Fences in regulated floodways. Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 303.4 of this ordinance.

307.3 Retaining walls, sidewalks and driveways in regulated floodways. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 303.4 of this ordinance.

307.4 Roads and watercourse crossings in regulated floodways. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 303.4 of this ordinance. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 105.3.3(3) of this ordinance.

SECTION 3. The ~~{current insert citation, if any}~~, Code of Ordinance for the City of Holly Hill, Part A General Ordinances, Chapter 14 Buildings and Building Regulations, Article III Construction Standards is hereby amended by the following administrative amendments to the *Florida Building Code, Building*.

Sec. 104.10.1, Florida Building Code, Building

Add a new Sec. 104.10.1 as follows: *[See instructions before including this provision]*

104.10.1 Modifications of the strict application of the requirements of the Florida Building Code. The Building Official shall coordinate with the Floodplain Administrator to review requests submitted to the Building Official that seek approval to modify the strict application of the flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to Section 117.

Sec. 107.6.1, Florida Building Code, Building

Add a new Sec. 107.6.1 as follows:

107.6.1 Building permits issued on the basis of an affidavit. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), the authority granted to the Building Official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to 105.14 and Section 107.6, shall not extend to the flood load and flood resistance construction requirements of the *Florida Building Code*.

Sec. 117, Florida Building Code, Building

Add a new Sec. 117 as follows:

117 VARIANCES IN FLOOD HAZARD AREAS

117.1 Flood hazard areas. Pursuant to section 553.73(5), F.S., the variance

procedures adopted in the local floodplain management ordinance shall apply to requests submitted to the Building Official for variances to the provisions of Section 1612.4 of the Florida Building Code, Building or, as applicable, the provisions of R322 of the Florida Building Code, Residential. This section shall not apply to Section 3109 of the Florida Building Code, Building.

SECTION 4. FISCAL IMPACT STATEMENT.

In terms of design, plan application review, construction and inspection of buildings and structures, the cost impact as an overall average is negligible in regard to the local technical amendments because all development has been subject to the requirements of the local floodplain management ordinance adopted for participation in the National Flood Insurance Program. In terms of lower potential for flood damage, there will be continued savings and benefits to consumers.

SECTION 5. APPLICABILITY.

For the purposes of jurisdictional applicability, this ordinance shall apply in ~~{insert name of community or all unincorporated areas of the county}~~the City of Holly Hill, Florida. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after ~~{insert date}~~the date of adoption.

SECTION 6. REPEALER.

Any and all ordinances and regulations in conflict herewith are hereby repealed to the extent of any conflict. This ordinance specifically repeals and replaces the following ordinance(s) and regulation(s):

City Code of Ordinances Subpart B Land Development Regulations Chapter 94 Floods, Article II Flood Hazard Mitigation and Subpart B Land Development Regulations Chapter 78 General Provisions Section 78-14 Definitions to replace conflicting definitions and add new definitions.

~~{insert citation to existing flood damage reduction regulations that will be replaced by these regulations and citation(s) to other ordinances that have flood provisions, such as subdivision regulations that also will be replaced by these regulations}~~.

SECTION 7. INCLUSION INTO THE CODE OF ORDINANCES.

It is the intent of the ~~{community's governing body}~~City of Holly Hill that the provisions of this ordinance shall become and be made a part of the ~~{name of community's}~~City of Holly Hill Code of Ordinances, and that the sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 8. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.

SECTION 9. EFFECTIVE DATE.

This ordinance shall take effect ~~on {insert date}~~December 12, 2012.

PASSED on first reading ~~{insert date}~~November 27, 2012

PASSED and ADOPTED in regular session, with a quorum present and voting, by the

REVISED Model FPM Ordinance & Code Amendments: Zones A-Only (April 12, 2012b) City of Holly Hill, Florida Flood Plain Management, 2012

~~{governing-body}~~City of Holly Hill, upon second and final reading this ~~{insert date}~~December 11, 2012.

~~{Governing-body}~~City of Holly Hill

ATTEST:

~~{Chief-Elected-Officer}~~Roy Johnson, Mayor

~~{Manager/Clerk}~~Valerie Manning, City Clerk

APPROVED AS TO FORM:

~~{Attorney}~~Scott Simpson, City Attorney



STAFF REPORT

City of Holly Hill
Community Development Department

Board of Planning and Appeals *Agenda Item*

DATE: November 26, 2012
SUBJECT: Tent Sales
APPLICANT: City of Holly Hill Administrative Request
NUMBER: Z-2012-06
PLANNER: Thomas Harowski, AICP

INTRODUCTION:

The City is proposing to amend Section 114-764 to modify the rules governing tent sales as part of an overall program for defining outdoor business activities. This proposed amendment is being offered for consideration and recommendation to the City Commission.

BACKGROUND:

The code currently allows a business to have up to 30 days of tent sales during a calendar year. There is no limit on the number of tent sales that a business location can support within the 30 days allowed. We have had one business that regularly holds one-day tent sales that have created essentially a weekend flea market. There has also been some confusion about how the tent sale relates to special events, and we would like to clarify the relationship between the tent sale and any official special events.

DISCUSSION:

Our regulations for outdoor business activities fall within three basic areas: regular business activities; site specific business special events; and community sanctioned special events. The codes cover these areas as follows:

Regular business activity relates to allow outdoor display of business merchandise. Section 114-901 of the code covers the opportunities for outdoor display. This section is modified by Section 114-685 for outdoor display with the Redevelopment District Overlay. Essentially in the CRA, business display is limited to product intended for use outdoors following approval by the City Commission for a special exception.

Site specific business special events are tent sales which are currently regulated by Section 114-764. Tent sales are allowed for up to 30 days

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City of Holly Hill Community Development Department

per calendar year. The sales are supposed to be “associated with and incidental to the permitted business use”. There is no limit to the number of tent sales a business can have. As noted above, we have had some businesses that have had weekly tent sales that pushed the limits on the “incidental” criterion. Any time that a business has a tent during a special event is supposed to apply to the 30 day annual limit, but this has been hard to track as tent sales and special event permits are approved by different departments.

Special events are specifically approved by the City Commission. This year the special event calendar includes activities such as Biketoberfest, Bike Week, Hot-Rods on the Hill, the Christmas Parade, Trunk or Treat, and the Sonic monthly car show among other events. Businesses that desire to host activities during these events can apply for a special event permit. The permit includes all applicable site activity including tents if desired.

The recommended plan for amendment of the code regulating tent sales is to reduce the number of allowable days per year; clarify that the tent sale requires the presence of a tent; update the fee; and remove the requirement to count any tent sale days associated with a city-approved special event against the allowable days for the business. We also want to make it clear that any items sold need to be part of the normal business inventory. For example a retail clothing store would not be able to bring in a load of furniture and sell it, but a furniture store could do that.

RECOMMENDATION:

The revised code section would revise subsections “f” and “g” as follows:

Sec. 114-764. Tents.

- (a) Allowed tents. No tent shall be erected within the city limits without a permit issued by the city, except the following:
- (1) Camping tents or other tents used for residential purposes temporarily (not more than 15 consecutive days or 30 total days in a twelve month period) located in the side or rear yard of property zoned or used for residential purposes; or
 - (2) Tents temporarily (days of garage sale only) constructed pursuant to a lawfully permitted garage sale.

A tent is defined as any structure that does not require a building permit with at least a cover or top that is supported from the ground or from above by any means.

- (b) Application. Any person or business desiring to erect a tent for any purpose within the city limits shall first submit a request in writing to the code administration department setting forth:
- (1) The purpose for which the tent is to be used;

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- (2) A site plan showing location and size of lot along with provisions for off-street parking and restroom facilities subject to review and approval by the police, fire and code administration departments;
 - (3) The time requested for use in consecutive days and a designation of hours of use and/or operation;
 - (4) Seating or occupancy capacity of the tent; and
 - (5) Such other information as may be of value in considering the request.
- (c) Bond. Before any permit is issued on public property applicants shall post a cash bond in the amount of \$500.00 to ensure that the tent is removed upon the expiration of the permit and to ensure cleaning of the premises after the tent is removed. Such bond shall be forfeited in the amount of \$50.00 per day for each day after the expiration of the permit that the tent shall remain erected or for each day after the expiration of the permit that the premises shall not be cleaned of all debris, garbage, refuse and signs. If it becomes necessary for the city to clean the premises, the cost of cleaning shall be deducted from the bond.
- (d) Approval of permit for tents on private property not licensed for business and/or not established for commercial use. The code administration department may issue a permit upon application for the erection of a tent for a period not to exceed 15 days per calendar year on private property where it is shown that all applicable ordinances of the city will be complied with. The fee for a tent on private property shall be \$200.00 per application. Applications for tent permits in excess of 15 days in a calendar year shall first be approved by the board of planning and appeals whose decision may be appealed to the city commission.
- (e) Approval of permit for tents on public property. Permits for the erection of tents on public property shall first be approved by the city commission who shall also set the duration period, permit fees and other conditions as needed.
- (f) Approval of permit for tents to businesses within the city which display a current occupational license and on days not designated as a special event. All businesses within the city which display a current occupational license are entitled to receive permits each year for the purpose of conducting a tent sale. A permit shall authorize one tent sale for up to a maximum of 30 days in a calendar year three (3) days every six (6) months per property. Any business which does not maintain a current occupational license shall not be entitled to receive a tent permit. The tent sale must be associated with and incidental to the permitted business use. The permit fee shall be ~~\$10.00 per day~~ fifty dollars (\$50.00) for each three-day tent sale. ~~Each permit shall be issued in consecutive days.~~
- (g) ~~Approval of permit for tents to businesses or vendors permitted for special use during a special event. The code administration department may issue a special use permit upon application for the erection of a tent during a special event which shall count proportionately towards the 30 day maximum in a calendar year per property referenced in subsection (f) of this section. Each tent sale shall be conducted in a tent located on the business property. The applicant for the tent sale shall submit a sketch with the application showing the proposed location of the sale so that staff can review the proposed location for site access, parking and emergency access.~~

STAFF REPORT

City of Holly Hill Community Development Department

- (h) Enforcement. This provision shall be enforced by the code enforcement official, building official, police chief or any of their designees.
- (i) Violations. Any individual or business that violated this provision may be punished pursuant to section 1-15 of this Code.
(Code 1984, § 15-6; Ord. No. 2523, § 1, 2-9-99)



CITY OF HOLLY HILL

TEN SIXTY-FIVE RIDGEWOOD AVENUE
HOLLY HILL, FLORIDA 32117-2898
(386) 248-9424

Memo

Date: November 15, 2012
To: James McCroskey, City Manager
From: Thomas Harowski, City Planner
Re: Planning and Zoning Work Program for 2013

Following our review of the initial six-month goals for planning and zoning, I have modified the list of projects to reflect the additions and modifications we have discussed. The work program addresses three areas:

- **Tasks which can be completed within a six-month horizon**
- **Longer term program for neighborhood improvements**
- **Specific code amendments (which will also have a six-month target completion)**

The program includes the following items, and each item is described in more detail in the sections below. I proposed to include this report on the upcoming Board of Planning and Appeals meeting scheduled for December 3rd. I look forward to the opportunity to discuss these items with City Commission in more detail at the upcoming workshop.

- Update the existing zoning map
- Update the existing comprehensive plan
- Update the flood plain ordinance
- Update the capital improvements program
- Maintain response time for planning and zoning inquiries
- Coordinate with Police/Code Enforcement on neighborhood improvement
- Revise LDR on commercial tent permits
- Revise LDR on temporary signs
- Revise LDR on vehicle sales from residential property
- Revise LDR on tree removal permits

Six-Month Projects

Zoning Map Update: Complete an update of the current zoning including assigning zoning to city parcels where no city zoning currently exists or where the zoning is uncertain. This project is in process. I am using outside mapping assistance.

Update Comprehensive Plan Text: The comprehensive plan text has not been updated and republished since the EAR-based comprehensive plan amendments were adopted in 2010. There have not been a lot of changes, but we should have a current plan available on our website. Some mapping assistance is required for this project.

Update Flood Ordinance: The State and Federal government are requiring that we update our flood control ordinance. If we do not complete this task using their model ordinance, we will face the loss of federally guaranteed flood insurance. This project is scheduled for City Commission in December.

CIP Annual Update: We are required to update our five-year capital improvements program. We are scheduled to begin this process at the December BOPA meeting.

Timely Response to Service Requests: The bulk of my time is spent on responding to requests from the public on zoning and planning issues and to a lesser extent on site plans, special exceptions and other similar requests. My goal is to maintain a prompt response to these types of inquiries.

Neighborhood Improvement Program

My observation is that the typical residential neighborhood in Holly Hill is underserved in terms of public improvements. I know the Police Chief has talked about a more concentrated code enforcement program to help with overall neighborhood conditions, and I think it would be very helpful to support this effort with a broader base of public improvements for facilities that serve these neighborhoods. If the city upgrades its public infrastructure, we hope that the residents will do the same with private improvements when supported and encouraged by code enforcement.

Public improvements can address items such as street resurfacing, provisions of sidewalks, addressing localized drainage issues, planting street trees, improving and creating parks where opportunities exist, and making improvements to water and sewer systems. Many of these problems have resulted from the fact that standards were less stringent when many of our neighborhoods were developed, and we have gone through long periods of deferred maintenance as funding and public support was lacking. This year the budget has funding for streets and sidewalks that is greater than typical levels. We should consider

pairing some of this funding with a concentrated code enforcement effort. Ultimately, we may want to suggest a voter approved millage set aside to address infrastructure needs. If we do a good job with a code enforcement and public improvement program, we should be able to see rising property values across our neighborhoods that will benefit property owners and help support long term maintenance needs.

One issue that I think we need to address in this process is the high number of rental properties in the city. The bulk of these properties are absentee owned. They get less attention from the property owner and certainly from the renters. We have so many of these properties that every neighborhood is impacted. I think we should look very seriously at restoring the rental inspection program. Many of us felt this program, while it had administrative problems, was making progress in getting safety improvements into the rental housing stock. If we keep an inspection program going at some level, we may prevent rental units deteriorating and pulling down the rest of the neighborhood.

We could also look at some zoning and land use issues. We know that many of the residential areas have impacts from conflicting land uses and we have a number of areas with questionable zoning choices. (As an example, in dealing with a variance request earlier in the year we identified an entire neighborhood zoned R-2 where almost none of the lots meet R-2 standards.) We may want to work with neighborhood residents to address these types of issues as well.

I see this effort being a combination of code enforcement, public works and planning to create a mini-CRA for the residential neighborhoods. If we could take some time over the next six months to develop a program like this, we could start to implement it with the next budget year.

Land Development Code Changes

Commercial Tent Permits – The city code allows a commercial business to have a tent permit 30 days per year. The cost is only \$10. The businesses have turned the storage buildings into flea markets by having a tent sale every Saturday. The storage buildings have become unlicensed businesses. Staff would recommend commercial business (not including alcohol sales) be allowed to have a tent sale two times a year. All items must be placed under a tent. The fee would be \$100 per permit. No tent permit would be issued during Bikeweek and Biketoberfest.

Temporary Signs- The city does not allow the placement of temporary signs on commercial businesses. Temporary signs include signs that waive in the wind, banners, signs placed in the ground with wire stands, streamer pennants, balloons, flags (not including one American flag), signs placed on existing signs, cardboard signs placed on buildings, trees or poles and sandwich boards. Staff would recommend the temporary signs be allowed under a new regulation which requires the business to purchase a temporary sign permit for each of the signs

outlined as temporary signs in the ordinance. The permit fee would be a \$1 (one dollar a day). Businesses that place the signs on the property without a permit would be required to pay \$2 (two dollars a day until they pulled a proper permit). This regulation would rely on the owner of the business to determine the importance of temporary signs to the success of the business.

Residential Car Sales- Several properties in residential areas place cars in the front and side setback areas for sale. This becomes a full time car lot by the fact the cars are always for sale. Many of the owners of the residential lots also own commercial lots where they also sell vehicles, boats and recreational vehicles. Staff recommendation- Allow the sale of a vehicle owned by the renter/property owner one time a year for 20 days. The fee for this permit would be \$100. Failure to gain a permit shall require a fee of \$200.

Tree Removal- Holly Hill is considered a tree city. Recently many property owners have cut down large oak trees as well as other protected trees without a permit. In many cases the tree removal companies do not pull a permit due to the fact the penalty is two times the permit fee or \$20. Staff would recommend the tree permit be increased to \$50 dollars and the penalty for failure to pull a permit would be \$100. Any tree service who fails to pull a permit would not be allowed to pull a permit in Holly Hill for 6 months for the first time and 1 year for each time thereafter.